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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,809	07/26/2001	David C. Chou	11088-39607	7489

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EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,809

Applicant(s)

CHOU ET AL.

Examiner

Ryan A. Jarrett

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/12/04 have been fully considered but they are not persuasive. Applicant admits that pages 2-28 of the Provisional Application (Snapp et al.) constitute an integrated patent application. These pages correspond to paragraphs [0002] through [0072] of the Published Application. This is the only portion of the Published Application being relied upon in the rejection of claims 1, 2, 4, 5, and 14-17 below. Contrary to the Applicant's assertion, the Provisional Application was filed with drawings. Claim 11 has been reconsidered and has been indicated as containing allowable subject matter. Regarding claims 6, 13, and 19, supporting references have been cited to support the Examiner's assertion that the features in these claims are "well known" and obvious. All of the supporting references pertain to the field of "surveillance units".

Claim Objections

2. Claim 18 is objected to because of the following informalities: Claim 18 is dependent on a cancelled claim, and is identical to claim 11. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5, and 14-17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Snapp et al. U.S. 2003/0069693. Snapp et al. discloses an integrated compact, self-contained surveillance unit (e.g. Fig. 1), said unit comprising: housing means (e.g., [0012], Fig. 1), optics means for collecting radiation and generating images, said optics means attached to said housing means (e.g., digital camera in [0031]); means, attached to said housing, for determining the position of said unit (e.g., [0015]); means, attached to said housing means, for sending and receiving communications from said unit (e.g., [0035]); computer means attached to said housing means, said computer means connected to said optics means, said position determination means, and said communication means (e.g., [0032]); and image output means connected to said housing means and connected to said computer means for receiving images from said computer means (e.g., [0031], [0072], [0073]);

wherein said optics means includes a sensor selected from the group including visible sensors (e.g., [0031]), UV sensors, short wavelength infrared sensors and long wavelength infrared sensors;

wherein said position determination means includes GPS position determination means (e.g., [0015]);

including means for determining the motion of said unit (e.g., [0031]);

further including power supply means; wherein said power supply is a battery (e.g., [0031]);

further including temperature sensing means connected to said computer means
(e.g., [0030]);

further including means for manipulating data by the user of said surveillance unit
(e.g., [0063]);

wherein said image output means includes a heads up display (e.g., Fig. 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp et al. as applied to claim 1 above, and further in view of Hansen U.S. Patent No. 5,035,472. Snapp et al. does not disclose that the integrated gun-sight means also includes an uncooled focal plane array. However, Hansen discloses an integrated multi-spectral man portable weapon sight, including a sensor means that contains an uncooled focal plane array (col. 3 lines 40-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the integrated gun sight of Snapp et al. to include an uncooled focal plan array since Hansen teaches that an uncooled focal plane array is an effective way to collimate an infrared spectrum and to ultimately reconvert the infrared spectrum to the visible spectrum, thus enabling night vision for the user of the sight assembly.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp et al. as applied to claim 5 above. As called for by claims 7 and 8, Snapp et al. **does** disclose a means for determining direction (e.g., [0012]); wherein said GPS position determination means is coupled to said means for determining direction, said computer means, and said communication means (e.g., Fig. 3). Snapp et al. **does not** specifically disclose that said motion determination means is an accelerometer. However, is it well known to incorporate accelerometers into global positioning systems in order to determine the position, direction, and motion of a user (e.g., see Ellenby et al. U.S. Patent No. 6,064,398, col. 5 lines 30-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the global positioning system of Snapp et al. to include accelerometers since they are accurate and reliable devices that are capable of calculating the motion or speed of a mobile unit.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp et al. as applied to claim 4 above, and further in view of Ellenby et al. U.S. Patent No. 6,064,398. Snapp et al. does not disclose that the position determination means also includes GLONASS position determination means. However, Ellenby et al. discloses an electro-optic visioning system, which includes a GPS position determination means **and** a GLONASS position determination means coupled to a computer and communication means (e.g. col. 8 lines 33-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Snapp et al. with

Ellenby et al. in order to receive signals from the Russian satellites that a part of the GLONASS system.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp et al. as applied to claim 1 above. Snapp et al. does disclose that said computer means includes digital signal processing means and memory means ([0027], [0034]). Snapp et al. does not specifically disclose that the computer includes a field programmable gate array. However, it is well known to use FPGA's in computer applications (e.g., see Monroe US 2002/0180866, paragraph [0144]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an FPGA in the computer of Snapp et al. in order to re-program or re-calibration the GPS, display, and/or sensor functions of the computer.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snapp et al. as applied to claim 18 above. Snapp et al. discloses a means for manipulating data by the user of said surveillance unit (e.g., [0063]), but Snapp et al. does not specifically disclose that said information manipulation means is a touchpad. However, touchpads are a well-known means for inputting information to a computer (e.g., see Doyle US 2002/0198659, paragraph [0017]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Snapp et al. to include a touchpad as the information inputting means since touchpads are easy to manufacture and easy to use.

Allowable Subject Matter

11. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggest the use of a multi-mode patch antenna in an integrated compact, self-contained surveillance unit, in combination with the remaining features and elements of the claimed invention.

Conclusion

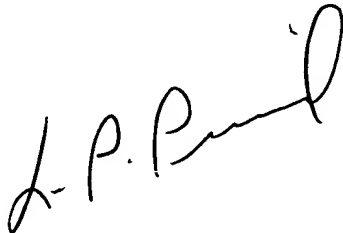
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett
Examiner
Art Unit 2125

4/12/04

A handwritten signature in black ink, appearing to read "L. P. Picard". The signature is written in a cursive, flowing style.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**